

E-FILED on 2/23/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES,

Plaintiff,

v.

GABRIEL MEDINA MORALES,

Defendant.

No. CR-09-00425 RMW

ORDER SETTING HEARING DATE ON
DEFENDANT'S PRO SE MOTIONS

[Re Docket Nos. 37, 38 and 39]

On February 8, 2011 defendant file a pro se "Motion to Dismiss Indictment and Motion for Speedy Trial and Motion to Dismiss Attorney of Record" On February 17, 2011 defendant filed "Defendant's Request for a Response to His previously Submitted Motion for Speedy Trial and Motion to Dismiss Attorney of Record."

Defendant is currently represented by counsel who was appointed after the granting of defendant's prior motion to relieve his appointed attorney from the Public Defender's Office. Defendant's sentencing was originally set for June 14, 2010 but has been continued several times to allow counsel to gather records, consult with a forensic psychiatrist and evaluate mental health issues. Sentencing is currently set for February 28, 2011.

1 The court hereby sets defendant's motion to relieve counsel for hearing on February 28, 2011
2 at 9:00 a.m., or as soon thereafter as it can be heard. The court will also hear defendant's other
3 motions, as necessary, on the 28th.

4 Defendant's sentencing remains set for the 28th and will go forward or be continued as the
5 court deems appropriate at that time. The parties, therefore, should be prepared to go forward with
6 sentencing on the 28th.

7
8 Dated: 2/22/11



Ronald M. Whyte
District Judge

1 Notice of this document has been electronically sent to:

2 **Counsel for Defendant:**

3 Jerry Y. Fong Email: jf@careyandcareylaw.com

4 **Counsel for United States:**

5 Suzanne DeBerry Email: Suzanne.DeBerry2@usdoj.gov

7 Notice of this document has been mailed by first class mail to:

8 Gabriel Medina Morales
9 PFN #: DBL806 Booking #: 0902363
10 885 N. San Pedro Street
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Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.

/s/ JG

13 **Dated:** 2/23/11

Chambers of Judge Whyte